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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,975	08/21/2001	Guy Cote	CISCP256/4087	8279
22434	7590	08/12/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP			CZEKAJ, DAVID J	
P.O. BOX 778			ART UNIT	PAPER NUMBER
BERKELEY, CA 94704-0778			2613	6

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/934,975	COTE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dave Czekaj	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9, 13-18 and 22 is/are rejected.
- 7) Claim(s) 10-12, 19-21 and 23-25 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date 2. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____ .                                   |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

On page 15, line 16, the examiner could not find "channel 30" in the corresponding figure.

On page 22, line 20, the examiner understood "step 180" to be "step 182".

On page 22, line 23, the examiner understood "encoder 28" to be "encoder 20".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 13-18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishiyama (2001/0008544).

Regarding claim 1, Ishiyama discloses an apparatus that performs rate control taking both the picture quality and time delay into account (Ishiyama: paragraph 0001). This apparatus comprises "a frame buffer" (Ishiyama: figure 3, items 26 and 37), "an encoder receiving input from the buffer" (Ishiyama: figure 3, item 2), "a vbv buffer receiving input from encoder" (Ishiyama: figure 3, wherein the vbv buffer consists of the input and output buffers), "a channel interface receiving input from vbv buffer" (Ishiyama: figure 3, wherein the

channel interface is the input and output buffer monitors), “a channel rate control connected to the vbv buffer and channel interface” (Ishiyama: figure 3, wherein the channel rate control is the reception and sending channel monitor), and “a transcoder rate control connected to the frame buffer, encoder, vbv buffer, and channel rate control” (Ishiyama: figure 3, item 3). Although Ishiyama shows the channel interface and channel rate control contained within the transcoder rate control, it would have been obvious to split the units apart into their individual components (Official Notice). Doing so would have been obvious in order to make the apparatus more versatile by making the apparatus partially work if one of the individual components failed.

Regarding claim 2, Ishiyama discloses “a decoder to provide input to the frame buffer” (Ishiyama: figure 3, item 1).

Regarding claim 3, Ishiyama discloses “the channel rate control monitors the fullness of the vbv buffer and controls the output of the buffer to meet a target bit rate in transmitting data to the channel interface” (Ishiyama: paragraphs 0135, 0141-0142 and 0145-0146, wherein the channel rate control is the reception and sending channel monitor, controlling the output of the buffer is done through the use of the quantization controller which increases or decreases the code volume to prevent overflow and underflow).

Regarding claim 4, Ishiyama discloses “the transcoder rate control monitors the contents of the frame and vbv buffer to ensure the vbv buffer does not underflow or overflow, the transcoder rate control using the results of the

monitoring to control the rate at which frames are extracted from the buffer” (Ishiyama: paragraphs 0141-0142 and 0145-0146, wherein monitoring the buffers is done through the use of the quantization controller which increases or decreases the code volume (the rate at which frames are extracted) to prevent overflow and underflow).

Regarding claim 5, Ishiyama discloses “the transcoder rate control utilizes rate reduction means to achieve a target bit rate, the target bit rate being the rate at which data is provided from the vbv buffer to the channel interface” (Ishiyama: paragraphs 0101 and 0103, wherein the rate reduction means is the ratio R, the target bit rate is the maximum throughput of the channel).

Regarding claims 6 and 15, Ishiyama discloses “the transcoder rate control further comprises requantization means which selectively requantizes the transform coefficients based upon image degradation” (Ishiyama: paragraph 0145, wherein the requantization means is the quantization set controller).

Regarding claim 7, Ishiyama discloses “the transcoder rate control modifies the quantizer scale of the macroblocks in frames transmitted from the vbv buffer to the channel interface” (Ishiyama: paragraphs 0145-0146, wherein the modification is the increase or decrease in code volume).

Regarding claims 8 and 17, Ishiyama discloses “the transcoder rate control inserts a vbv delay value for frames transmitted by the channel interface” (Ishiyama: paragraph 0146, wherein the delay is the increase in the volume of codes which would delay the frames being transmitted).

Regarding claims 9, 16, 18, and 22, Ishiyama discloses “computing a rate reduction factor” (Ishiyama: paragraphs 0101 and 0103, wherein the rate reduction factor is the ratio R), “computing a quantizer scale” (Ishiyama: paragraph 0145, wherein the quantization set controller produces the quantizer scale), “applying the results to an encoder” (Ishiyama: figure 3, item 2), and “repeating the steps for a plurality of frames” (Ishiyama: paragraph 0164, wherein the repeating is done on the next processing).

Regarding claim 13, note the examiners rejection for claims 1 and 9.

Regarding claim 14, note the examiners rejection for claims 3 and 5.

***Allowable Subject Matter***

4. Claims 10-12, 19-21, and 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US-6310915	10-2001	Wells et al.
US-6226326	05-2001	Mihara, Kanji
US-6441754	08-2002	Wang et al.
US-6587508	07-2003	Hanamura et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (703) 305-3418. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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